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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------|---------------------|------------------|
| 10/647,889      | 08/25/2003  | Daniel Joseph Brunelle | 122897-1            | 3526             |

7590

07/06/2005

General Electric Company  
CRD Patent Docket Rm 4A59  
Bldg. K-1  
P.O. Box 8  
Schenectady, NY 12301

EXAMINER

TRUONG, DUC

ART UNIT

PAPER NUMBER

1711

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/647,889

Applicant(s)

BRUNELLE ET AL.

Examiner

Duc Truong

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1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on RCE.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 38-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date DA 05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Claims 1-37 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Schmidhauser'974 of record on 1449.

The reference discloses aromatic polyether polymer prepared by a phase transfer catalyzed reaction between equimolar amounts of at least one alkali metal salts of a dihydroxy substituted aromatic compound and at least one substituted aromatic compound such as bis[N-(chlorophthalimido)] benzene, in a monoalkoxybenzene such as anisole as diluent and in the presence of a phase transfer catalyst, preferably a hexaalkylguanidinium salt (see Abstract and at col. 1, line 61 et seq.).

The disclosure of the reference differs from the instant claims in that it does not disclose that the reaction mixture contains at most 20 ppm by weight of water, derived from the use of an alkali metal salt comprising less than about 50 ppm water, derived from steps (i) and (ii) in the amended claim 1.

At least in Example 6, the reference discloses:

- (i) contacting in water at least one hydroxyl substituted aromatic hydrocarbon such as dihydroxy-biphenyl in anhydrous methanol and at least one metal base such as NaOH to provide an aqueous solution of the alkali metal salt of a dihydroxy substituted aromatic hydrocarbon;
- (ii) The solution was transferred in the absence of air to an additional funnel and slowly added to a flask containing vigorously stirred, refluxing xylene at such a rate that water and methanol immediately distilled out of the flask, producing the disodium salt of a

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dihydroxybiphenyl in finely particulate form. The slurry was heated under reflux to collect water and then transfer to a dry box in which the salt was removed by filtration, (corresponding to the claimed step of spraying the aqueous solution into organic solvent prevents agglomeration of salt during removal of water), place in a flask and vacuum dried at 150°C, which is higher than the boiling of said solvent, a xylene, having a boiling point of 144.4°C.

Since the reference does disclose the same or similar steps of the process, then the claimed alkali metal salt comprising less than about 50 ppm must be considered inherent in the prior art due to the reaction mixture, derived from said alkali metal salts, must be inherently contained at most 20 ppm by weight of water, as in the claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Truong whose telephone number is 571-272-1081. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Ductruong', is positioned above the printed name.

DUCTRUONG  
PRIMARY EXAMINER